

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1252 of 2021

Arising Out of PS. Case No.-283 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

ASHOK KUMAR SINGH, SON OF SRI JAGDISH SINGH Resident of
Village - House No.MIG-22A, D.A. Colony, Teliyerganj, Near Old Chungi,
T.B. Hospital, Teliyerganj, P.S.- Teliyerganj, Distt.- Allahabad, Uttar Pradesh.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dayanand Singh

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 13-08-2021 Heard Mr. Dayanand Singh, learned advocate

for the petitioner and Mr. Gauri Shankar Gupta, learned

APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Bhagalpur Kotwali (Barari) P.
S. Case No. 283 of 2020, dated 23.05.2020, instituted
for the offences under Sections 409 and 420 of the



Indian Penal Code.

The F.I.R. has been lodged by District Planning Officer, Bhagalpur alleging that from the audio CD and a complaint, it appeared that the petitioner, in his capacity as Manager of the District Registration and Consultancy Centre, Barari, had been making attempts for extracting money from students for them to take benefit under the Student Credit Card Scheme.

On the basis of the aforesaid written report, which was lodged on the basis of the such complaint and audio CD, the subject F.I.R. has been lodged.

Mr. Dayanand Singh, learned advocate for the petitioner has submitted that the accusation is absolutely false. The informant has relied upon an unsigned and undated anonymous complaint along with and audio CD. There is nothing on record to indicate that the voice in the audio CD was that of the petitioner on one side and of mediators on the other side. The matter was inquired into by a team comprising Deputy Development



Commissioner, Bhagalpur and the Director of District Rural Development Authority.

Assuming but not admitting, it has been argued that some voice demanding money with respect to particular project was captured in the audio CD, whether it was the voice of petitioner is difficult to state. There has not been any voice sampling and the prosecution is trying to shoot from the pocket. No student has come up with any complaint whatsoever with respect to petitioner misusing his position of the Manager of the said centre.

Regard being had to such vague nature of accusation, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, in connection with



Bhagalpur Kotwali (Barari) P. S. Case No. 283 of 2020,
subject to the conditions as laid down under Section 438
(2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

